

ESTTA Tracking number: **ESTTA166844**

Filing date: **10/04/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177234
Party	Plaintiff Cardinal Health 303, Inc.
Correspondence Address	Joseph R. Dreitler Bricker & Eckler LLP 100 S. Third Street Columbus, OH 43215-4291 UNITED STATES jdreitler@bricker.com
Submission	Other Motions/Papers
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Signature	/Joseph R. Dreitler/
Date	10/04/2007
Attachments	Objection to Response to Motion for Consolidation.pdf (5 pages)(77928 bytes)

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|------------------------------|---|----------------------------|
| 1. CARDINAL HEALTH 303, INC. | : | |
| | : | |
| Opposer | : | |
| | : | |
| v. | : | Opposition No.: 91-177,234 |
| | : | |
| THE ALARIS GROUP, INC. | : | |
| | : | |
| Applicant | : | |
| | : | |
| 2. CARDINAL HEALTH 303, INC. | : | |
| | : | |
| Opposer | : | |
| | : | |
| v. | : | Opposition No.: 91-177,365 |
| | : | |
| THE ALARIS GROUP, INC. | : | |
| | : | |
| Applicant | : | |
| | : | |
| 3. CARDINAL HEALTH 303, INC. | : | |
| | : | |
| Opposer | : | |
| | : | |
| v. | : | Opposition No.: 91-177,366 |
| | : | |
| THE ALARIS GROUP, INC. | : | |
| | : | |
| Applicant | : | |
| | : | |
| 4. CARDINAL HEALTH 303, INC. | : | |
| | : | |
| Opposer | : | |
| | : | |
| v. | : | Opposition No.: 91-177,367 |
| | : | |
| THE ALARIS GROUP, INC. | : | |
| | : | |
| Applicant | : | |
| | : | |

5. CARDINAL HEALTH 303, INC.	:	
	:	
Petitioner	:	
	:	
v.	:	Cancellation No.: 92-048,172
	:	
THE ALARIS GROUP, INC.	:	
	:	
Registrant.	:	

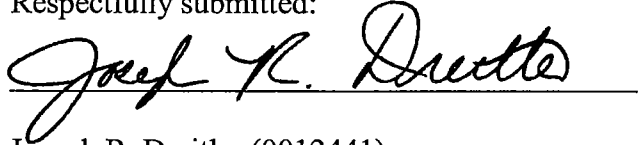
OBJECTION TO APPLICANT/REGISTRANT’S RESPONSE TO MOTION FOR CONSOLIDATION

Applicant/Registrant The Alaris Group, Inc. (“Alaris”) has consented to the Motion of Opposer/Petitioner, Cardinal Health 303, Inc. (“Cardinal”) to Consolidate the above four (4) oppositions and one (1) cancellation action. Nevertheless, Alaris has submitted a proposed Order which would order Cardinal to respond to the discovery that Alaris served in each of the four oppositions on September 24, 2007 within the 30 day time frame that would apply if the oppositions were proceeding on their original trial schedules. This is contrary to TBMP § 511, which clearly states that “[u]pon consolidation, the Board will reset trial dates for the consolidated proceeding, usually by adopting the trial dates as set in the most recently instituted of the cases being consolidated.” Indeed, to do otherwise would fly in the face of the policy reasons which justify consolidating: “the savings in time, effort and expense, which may be gained from consolidation.”

These cases are in their very early stages. Alaris had just filed its Answers in the oppositions and cannot possibly be prejudiced by having the discovery it recently served in the individual oppositions be deemed served in the consolidated proceeding and subject to the trial dates that will be set in that proceeding, rather than having discovery proceeding on four different tracks. Accordingly, Cardinal objects to the entry of Alaris’s proposed order.

Date: October 4, 2007

Respectfully submitted:

A handwritten signature in cursive script, reading "Joseph R. Dreitler", written over a horizontal line.

Joseph R. Dreitler (0012441)

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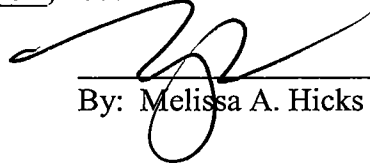
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Attorneys for Petitioner

Cardinal Health 303, Inc.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being filed electronically through on-line
TTAB filing systems, ESTTA on October 4, 2007.



By: Melissa A. Hicks

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via email and regular U.S. Mail this ____ day of October, 2007 upon:

Kristine M. Boylan, Esq.
Merchant & Gould
3200 IDS Center
80 South Eighth Street
Minneapolis MN 55402

Signed: _____

Melissa A. Hicks